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12/18/98

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Samulski

Serial No.: 08/475,470

Group Art Unit: 1649

Filed: June 7, 1995

Examiner: A. NELSON

For: ADENO-ASSOCIATED VIRUS VECTOR  
AND CIS-ACTING REGULATORY AND  
PROMOTER ELEMENTS CAPABLE OF  
EXPRESSING AT LEAST ONE GENE  
AND METHOD OF USING SAME FOR  
GENE THERAPY

Attorney Docket No.: 7639-077

**REQUEST TO WITHDRAW THE FINALITY OF A FINAL REJECTION  
UNDER 37 C.F.R. § 1.129(a) AND FEE UNDER 37 C.F.R. § 1.17(r)**

Assistant Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Sir:

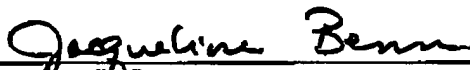
Applicants request that the finality of a Final Rejection, mailed February 13, 1998, in connection with the above-identified application be withdrawn so that a Submission under 37 C.F.R. § 1.129(a) can be filed and considered. A Notice of Appeal was filed in connection with the above-identified application on August 13, 1998. Accordingly, filed concurrently herewith is a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for

**CERTIFICATION OF FACSIMILE TRANSMISSION**

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two months from October 13, 1998 to and including December 13, 1998, together with the necessary fee. Applicants submit herewith an Amendment under 37 C.F.R. §1.111 for entry and consideration.

Pursuant to 37 C.F.R. § 1.129(a), Applicants note that the above-identified application, which is a divisional of Application Serial No. 08/344,816 filed November 23, 1994, which is a continuation-in-part application of U.S. Application Serial No. 07/923,418, filed July 31, 1992 (ABN); which is a continuation-in-part of application Serial No. 07/893,513, filed June 3, 1992 (ABN) has been pending effectively for at least two years as of June 8, 1995.

Also pursuant to 37 C.F.R. § 1.129(a), please charge the required fee in support of this Request as set forth in 37 C.F.R. § 1.17(r), estimated to be \$790.00 to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date December 9, 1998

by: *Jacqueline Benn*  
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Laura A. Coruzzi (Reg. No.)

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